

AMENDMENTS TO THE DRAWINGS

Please replace the sheets containing Figure 1 and Figure 2 with the attached replacement sheets.

REMARKS

The Examiner objected to claim 16 under 37 C.F.R. 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant has canceled claim 16.

The Examiner rejected claims 1 – 3, 6 – 9, 11, 12, and 19 – 21 under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in view of U.S. Patent No. 6,327,540 to Miyano *et al.* In that regard, the Examiner stated the following reason for combining applicant's admitted prior art and Miyano *et al.*:

“Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of applicant admitted prior art with Miyano *et al.* because that would provide detection of end point in a shorter time (col. 2 lines 23-31).”

Miyano *et al.* discloses “a method of detecting an end point of a process such as a manufacture process.” Miyano *et al.*, col. 1, lns. 8 – 9. More specifically, Miyano *et al.* discloses:

“Specifically, in the method of this invention of detecting an end point of a process on the basis of time series data obtained by measuring, with time, a physical quantity changing in accordance with proceeding of the process, every time the time series data of a previously set time region are obtained, first time series data corresponding to a part of the time series data and second time series data delayed from the first time series data by a predetermined delay time are extracted from the time series data, correlation between the first time series data and the second time series data is calculated, and an end point of the process is discriminated on the basis of a result of calculation.” Miyano *et al.*, col. 2, lns. 31 – 42.

Thus, Miyano *et al.* discloses measuring a physical quantity that changes with time, determining the correlations of two different time periods of the measured physical quantity, and then using the correlations to determine the end point of a process.

Claim 1, as amended, the only remaining independent claim, requires, among other things, calculating a first autocorrelation vector that is indicative of the arrival rate of incoming packets in a first data stream and calculating a second autocorrelation vector that is indicative of

the arrival rate of incoming packets in a second data stream. Neither Applicant's admitted prior art nor Miyano *et al.* disclose generating an autocorrelation vector that is indicative of the arrival rate of incoming packets. Thus, Applicant respectfully submits that independent claim 1, together with dependent claims 2 – 14, are allowable over the art of record.


Claim 1 also requires including a first packet in a third data stream, based at least in part upon a comparison of the magnitudes of the first and second autocorrelation vectors. The Examiner cites to col. 4, lns 20 – 29 and col. 5, lns. 13 – 30 of Miyano *et al.* for the proposition “including the first packet in the third data stream.” The Examiner-cited portions of Miyano *et al.* do not disclose packets or including any data, whether packets or otherwise, into a data stream. The Examiner-cited portions of Miyano *et al.* only disclose storing “a comparison result.” More importantly, neither Applicant's admitted prior art nor Miyano *et al.* disclose including a packet in a third data stream based at least in part upon a comparison of autocorrelation vectors that are indicative of the arrival rate of incoming packets in first and second data streams. Thus, Applicant respectfully submits that independent claim 1, together with dependent claims 2 – 14, are allowable over the art of record.

Applicant has canceled claims 15 to 23. Thus, the Examiner's rejections of those claims are moot.

CONCLUSION

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

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